

REMARKS

This paper is submitted in response to the Office Action for the above-identified application mailed 29 November 2006.

The Applicants call to the attention of the Examiner that a Request for Continued Examination has been jointly submitted with this Response.

In the Office Action, Claims 183-201 are rejected under 35 USC 103(a) as being unpatentable over Archibald (U.S. Pat. No. 4,236,880) in view of Epstein et al. (U.S. Pat. No. Re. 36,871).

The Applicants thank the Examiner for the courtesies shown their representatives in the telephone interview of 1 March 2007.

Applicants' medication delivery system of independent Claims 183 and 189 includes a base housing with a reservoir in which medication is stored. There is also a pump chamber "that is static relative to said base housing." This feature is not suggested by Archibald who teaches a pump chamber 10 that is mounted to a diaphragm enclosure 22 that "is spring mounted to cam housing 23."¹

Archibald also makes it clear that his valves 44 and 46: [A]re driven so that at least one of the two valves is closed at all times. (*Emphasis Added.*)²
In order to make it possible to mount the pump chamber to the diaphragm enclosure, Archibald is constructed so that:

When latch 19 is released and pivoted downward and latch 20 is pulled upward away from latch pin 21, spring 158 urges diaphragm enclosure 22 away from cam housing 23.³

¹ U.S. Patent No. 4,236,880, Column 4, lines 36-39 and 42-46 and Figures 2.

² *Ibid.*, Column 6, Lines 48-49.

³ *Ibid.*, Column 12, Lines 66-69, and Column 13, Line 1.

Instead of using this means to provide a fluid flow path through the pump assembly, the system of Claims 183 and 189 relies on an actuator member/actuator element that "simultaneously" abuts/butts against the valves to "simultaneously" hold both valves open.

This is not suggested by Epstein's two hold open assemblies: (1) a stepper motor 296 for regulating the state of the inlet valve; and (2) solenoid 290 for regulating the state of outlet valve. Epstein teaches using the following process to hold both valves open:

Whenever it is desired to simultaneously open any input port and the output port such as during priming, the system controller rotates the stepper motor 296 to the position that opens the selected input port and actuates the solenoid 290 to open the output port.⁴

The invention of Claims 183 and 189, with the single actuator member (actuator element) that simultaneously engages both valves, eliminates the need Archibald's spring mounted diaphragm and the means for holding this member in place as well Epstein's plural drive members for simultaneously displacing both valves.

Therefore, it is submitted that independent Claims 183 and 189 are directed to an assembly this is both not suggested by the prior art and offers benefits over the prior art assemblies. Accordingly, these claims are directed to an invention that is a non-obvious departure from the prior art.

Claim 195 is directed to the medication delivery system of this invention wherein, in addition to an actuator for holding the valves in the hold open state there is a plunger. The claimed plunger is mounted to the

⁴ U.S. Patent. No. Re. 36,871, Column 18, Lines 47-51.

base housing and is positioned to be displaced upon the attachment of tube set to the housing port so as to drive the actuator from the engage position to the disengaged positioned.

The Applicants have carefully reviewed the cited references. They have not been able to identify a component similar to the claimed plunger. If such component is present, it is requested that it be identified with specificity in the reply to the paper.

Thus, it is submitted that independent Claim 195 is, like independent Claims 183 and 189, directed to an invention that is not inherent from the prior art. Therefore it is likewise submitted that this claim is also directed to an invention entitled to patent protection.

The dependent claims are allowable at least because they depend from allowable independent claims.

Moreover, dependent Claims 186-188, 190, 191 and 193 are likewise directed to the version of the invention wherein there is a plunger or driver which displaces the actuator member/actuator element into the disengaged state. Thus, these claims, like Claim 196 are further in condition for allowance because they are independently directed to an invention that is a non-obvious variation over the prior art.

In conclusion it is respectfully submitted that all the claims of this application are directed to a patentable invention and are in an allowable form. Since the claims, as well as the other parts of this application are in an allowable state, the Applicants now courteously solicit prompt issuance of a Notice of Allowance.

Respectfully submitted,

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